

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SONIA FORTNER, *et al*,

Plaintiffs,

VS.

BANK OF AMERICA, N.A.,

Defendant.

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CIVIL ACTION NO. H-09-2651

ORDER ON DEFENDANT'S MOTION FOR A STAY

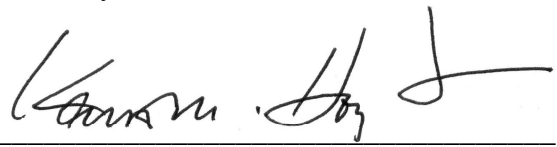
ON THIS DAY, the Court considered the defendant's motion for a stay of all proceedings and the plaintiffs' motion for an equitable toll of the Statute of Limitations. After considering the briefs, the record, the applicable law and the arguments of counsel, if any, the Court is of the opinion that the defendant's motion for a stay of all proceedings should be GRANTED and the plaintiff's motion for an equitable toll of the Statute of Limitations should be GRANTED.

WHEREFORE IT IS ORDERED, ADJUDGED, and DECREED that

1. Defendant's Motion For a Stay of All Proceedings is hereby GRANTED; and
2. the statute of limitations for all named Plaintiffs and for any individual who has filed a consent under 29 U.S.C. § 216(b) is tolled as of October 19, 2009. This toll shall extend not only to all Plaintiffs who have already filed opt-in/consent forms but also to those putative Plaintiffs who may file opt-in/consent forms after receiving notification of the pendency of this lawsuit and their right to participate.

The Court further ORDERS the defendants to preserve and protect all documents, data compilations (including electronically recorded or stored data), and tangible objects that are in their custody or control, including the custody or control of their agents and subagents, and that are relevant to the claims and defenses of the parties in this lawsuit.

SIGNED at Houston, Texas this 5th day of January, 2010.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt
United States District Judge